

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Yunsoon Kim

Request Use Subject to County Commission Approval | [17.60.040](#) 5-lot subdivision

Proposed Use 5-lot subdivision

Size 7.41± acres

Zoning Residential-I (R-I, [17.60](#))

Location 6545 Misty Harbor Court | Tax Parcel 08149 000171

Commission District Two

Planning Commission Date February 5, 2024

Staff Recommendation **Approval with conditions**, as the proposal is consistent with the Lake Area Residential Character Area in the [Comprehensive Plan](#).

Planning Commission Recommendation.....Approval, with conditions

Vote: 5-0

Planning Commission Conditions:

1. The property shall be developed in accordance with the site plan dated August 28, 2023 and as described in the project narrative dated October 30, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The property shall be subdivided into a maximum of 5 building lots in accordance with the requirements of the Residential-I (R-I, [17.60](#)) zoning district as detailed in [17.240](#), area and setback requirements.
3. Development shall be limited to site-built homes having no less than 2,500 square feet of heated floor space.
4. All residences shall have sodded front yards with a professional landscape design.
5. All facades shall be finished with a combination of brick, stone, stucco, or fiber cement siding. The front façade shall incorporate changes in these building materials with different textures and/or colors. Vinyl siding is prohibited. Homes shall be consistent with the submitted renderings. Final review and approval of building elevations is subject to the Director of Community Development and Infrastructure, or their designee.

6. All lots shall have access off of an internal roadway, with no lot having direct access to Gaines Ferry Road.
7. All conditions of zoning shall appear on any plats created for the subdivision.
8. Per [2.60.060](#). – effective period of approved applications, all applications approved by the board, whether a request for variance from the terms of Title 17, a request for conditional use, a request for the enlargement, change or continuance of a nonconforming use or a request to appeal a decision by an administrative official in the enforcement of Title 17, shall be effective for a period of six months. If no action is taken by the applicant to implement the purpose of the application by obtaining the proper permit and/or license and proceeding with the building, occupancy or establishment of business within six months from the date of approval by the board, said approval shall become null and void.

Staff Recommended Conditions:

1. The property shall be developed in accordance with the site plan dated August 28, 2023 and as described in the project narrative dated October 30, 2023, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
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Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting County Commission approval to subdivide a 7.41± acre tract zoned Residential-I (R-I, [17.60](#)) for the purpose of constructing five (5) single-family homes. Per the requirements of [17.60.040](#), uses subject to approval of the county commission, within the Residential-I (R-I, [17.60](#)) zoning district, subdivisions require Board of Commissioner approval.

On February 9, 2006, 6305 and 6319 Gaines Ferry Road were approved by the Hall County Board of Commissioners to rezone from Agricultural Residential-III (AR-III) to Residential-I (R-I) with the following conditions:

1. Development is limited to a maximum of 18 building lots as generally shown on the concept plan submitted.
2. All lots will access an internal roadway, with no lot having direct access to Gaines Ferry Road.
3. Development shall be limited to site-built homes having no less than 2,500 square feet of heated floor space with sodded front lawns.
4. All conditions of zoning shall appear on any plats created for the subdivision.

The current configuration of these lots, reflected in plat book 883 page 443, consists of Tract 1 (7.41 acres), Tract 2 (9.93 acres), and tract 23 (14.02 acres). The applicant is requesting to further subdivide Tract 1 into five (5) building lots.

All proposed tracts are within the Residential-I (R-I) zoning district and meet the minimum lot area and frontage requirements for Residential-I (R-I, [17.60](#)) district as established in table [17.240.010\(A\)](#). Based upon the submitted site plan, Tract 1 has a 20-foot drainage easement located in the northwestern portion of the proposed lot, Tract 4 is bisected by a 20-foot drainage easement, and Tract 5 contains a 75-foot stream buffer located in the eastern extremity of the proposed lot. Additionally, all proposed tracts are subject to a Georgia Power Company 80-foot easement and a 5-foot perpetual easement along Misty Harbor Court’s right-of-way.

The submitted narrative states that each of the five single-family dwellings will have a minimum of 2,500 square feet of heated floor space, and will be built primarily of brick and an unspecified siding. The general design of the residences is proposed to match the existing neighborhood aesthetic. The applicant has also provided architectural inspiration through photos of surrounding residential homes.

The proposed subdivision plat has been submitted to reflect the desired layout of lots 1 through 5 as follows:

Residential-I (R-I, 17.60) Standards	Required	Proposed
Lot Area	35,000 square feet	Lot 1: 52,384 square feet Lot 2: 53,909 square feet Lot 3: 55,428 square feet Lot 4: 70,176 square feet Lot 5: 93,942 square feet
Lot Frontage	Local Road: 50 feet	Lot 1: 50 feet Lot 2: 120.23 feet Lot 3: 229.77 feet Lot 4: 250 feet

		Lot 5: 344.12 feet
Lot Width at Building Line	50 feet	None Listed
Front Yard Setback	55 feet from centerline of road or 30 feet from property line	55 feet from centerline of road
Side Yard Setback	10 feet	10 feet
Rear Yard Setback	20 feet	20 feet
Army CORPS Setback	0 feet	0 feet

No variances have been submitted or identified as part of this request; therefore, any deficiencies identified as part of the plan will be required to comply with the requirements of Residential-I (R-I).

Based on the future land-use plan, staff finds the zoning request consistent with the future land use classifications of Lake Residential in the [Comprehensive Plan](#), which allows for low-density residential development of up to one unit per acre. The intent of the Lake Area Residential land use category is to preserve established neighborhoods and create opportunities for permanent vacation residences similar in land use patterns to Residential Areas, but at lower residential densities. Future development will continue to be detached, single-family homes at low densities. The Lake Area Residential designation envisions a maximum density of 1 dwelling unit per acre; the development has proposed a density of 0.67 DU/acre.

Zoning Analysis

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the Planning Commission shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed use of a 5 lots subdivision is consistent with the use, development, and zoning of adjacent and nearby properties, as most neighboring parcels are zoned Residential-I (R-I, [17.60](#))**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed minor subdivision of the parcel will not adversely affect the existing use or usability of adjacent and nearby property.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **Yes, the property has reasonable economic use as currently zoned, Residential-I (R-I, [17.60](#)), but the applicant cannot subdivide the property without approval of the County Commission.**
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **If approved, the development is not anticipated to cause an excessive or burdensome use of the existing streets, transportation facilities, etc.**
5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The proposed use is consistent with the [Comprehensive Plan's](#) future**

land use classification of Lake Area Residential. In this land use classification, development is envisioned to consist of detached, single-family homes at a low density, not to exceed 1 dwelling unit per acre. The applicant is proposing single family residences at a density of 0.67 dwelling unit per acre.

6. The extent to which property values are diminished by the existing zoning restrictions; **The applicant will not be able to subdivide the property with approval of a conditional use request.**
7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is currently undeveloped and vacant.**
10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Staff is not aware of any changing conditions affecting the use or development of the property; however, an existing power line easement substantially limits the buildable area of this lot in addition to two drainage easements and a stream buffer.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **The request is for conditional use approval and is intended to subdivide the parcel into five single-family lots. The change would not create an isolated district unrelated to the surrounding districts.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn; however, the parcel boundaries reflected in GIS are in the process of being updated by the Tax Assessors to reflect plat book 883 page 443.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **No, the request is not out of scale with the needs of the county as a whole.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The subdivision of land within the Residential-I zoning district (R-I, [17.60](#)) requires County Commission approval.**

15. Whether the need for rezoning could be handled instead by a variance request to the Planning Commission; **The request is for conditional use approval and is intended to subdivide the parcel into five single-family lots. This could not be handled instead by a variance.**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process, and as a result are subject to local, state, and federal regulations. As a result, there are no anticipated ecological or pollution impacts resulting from any modification to the land if the request is granted.**
17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

17.380.050. - Submission requirements

- A. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission shall file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in [chapter 17.30](#) to cover administrative and advertising costs, in the planning department office. Such person or persons or their authorized agent shall appear in person at the public hearing held to consider the district change. **The proposal meets the requirement, and the applicant understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**
- B. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
 1. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in section [17.380.060.C](#) of this section [chapter]. **The proposal does provide a narrative outlining the intent of the request; however, the applicant has not prepared a response to each of the criteria listed in [17.380.060.C](#).**
 2. A site plan drawn to scale designating the area covered by the application and identifying existing and proposed buildings and uses, adjacent existing land uses, zoning on contiguous parcels, including those across an abutting public right-of-way, and any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses, etc., or a plat of the subject property where no specific land use is proposed. In cases where only a plat or map is provided and no land use is proposed, the planning commission and county commission shall evaluate the application based on the most intense possible land use permitted in the proposed district. **Proposal meets this requirement.**
- C. For any application for a slow rate land treatment system (see [chapter 17.20](#)), the following additional requirements apply. **This standard is not applicable to the applicant's request.**
- D. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study shall be submitted prior to consideration of the application by the planning commission. At the applicant's expense, the traffic impact study shall be prepared by a

professional engineer in accordance with requirements established by the Hall County Engineering Department. The engineering department shall review the traffic impact study and forward any comments to the Hall County Planning Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated January 4, 2024, Emily McGahee stated, "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Please note that Zoning approval does not imply approval from other county departments. Further determination will be made during the plat review process. This plat is currently under review by the Hall County Plat Review Team and Environmental Health contacted the applicant/surveyor on September 20, 2023 concerning requirements to further process the plat for review."

Hall County Fire Marshal

In an email dated December 1, 2023, from John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant stated, "The Hall County Fire Marshal's Office has no comments as proposed."

Hall County Public Works and Utilities

In a memorandum from Public Works and Utilities dated January 5, 2024, Bill Nash, Director, stated the following:

Engineering:

This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage Show stream buffer and impervious setback from wrested vegetation not centerline of stream.

Traffic:

No Comment

Utilities:

Flowery Branch sewer district

Georgia Department of Transportation

In an email dated January 5, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated "No GDOT coordination required."

➤ **Excerpts from the minutes of the February 5, 2024 meeting**

Applicant's Presentation:

Beth Garmon, Planning and Zoning Administrator, presented a summary of the request.

Yunsoon Kim, 10980 Old Stone Court, Johns Creek, presented the request.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

No comments.

Motion: A motion to approve, with conditions was made by Ms. Pilcher and seconded by Mr. Sosebee.

Vote: 5-0

Conditions:

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